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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ZOE HOLLIS individually and on behalf of
all others similarly situated,

Plaintiff

v.

R & R RESTAURANTS, INC dba SASSY'S,
an Oregon corporation; STACY MAYHOOD,
an individual; IAN HANNIGAN, an
individual; FRANK FAILLACE, an
individual; and DOES 2 through 10, inclusive,

Defendants.

Case No.: 3:21-cv-00965-YY

COLLECTIVE ACTION

**DECLARATION OF JESENIA A.
MARTINEZ IN SUPPORT OF
PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION FOR LEAVE
TO FILE FIRST AMENDED ANSWER
AND COUNTERCLAIMS**

DECLARATION OF JESENIA A. MARTINEZ

I, Jesenia A. Martinez, declare:

1. I am an attorney at law, duly licensed to practice in the State of California. For the purposes of this lawsuit, I am admitted *Pro Hac Vice* in this matter. I am an associate at the firm Carpenter & Zuckerman, and counsel of record for plaintiffs Zoe Hollis (“Hollis”), Rehal Patterson (“Patterson”), and Takyla Harris (“Harris”) (collectively, “Plaintiffs”) in this action against defendants R&R Restaurants, Inc. dba Sassy’s, Stacy Mayhood, Ian Hannigan, and Frank Faillace (collectively, “Defendants”). I make this declaration of my own personal knowledge, and if called to testify, I could and would competently testify hereto under oath.

2. On Tuesday, September 6, 2022 at 5:26 p.m., Anthony Kuchulis, counsel for Defendants, sent an email to Courtroom Deputy Trish Hunt stating that “Defendants intended to withdraw the motion for leave to amend entirely and no longer intend to pursue the counter-claims proposed in federal court.” So no need for Judge You to review or for further briefing by either party or a hearing on it.” Mr. Kuchulis further stated that Defendants would file a motion to strike “to withdraw the motion formally” this week.

a. Attached hereto as **Exhibit 1** is a true and correct copy Mr. Kuchulis’s email sent on Tuesday, September 6, 2022 at 5:26 p.m. to Courtroom Deputy Trish Hunt.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 7, 2022 in Los Angeles, California.

/s/ Jesenia A. Martinez
Jesenia A. Martinez

CERTIFICATE OF SERVICE

I certify that on Wednesday, September 07, 2022 a true and correct copy of the attached **DECLARATION OF JESENIA A. MARTINEZ IN SUPPORT OF PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER AND COUNTERCLAIMS** and accompanying document were served via CM/ECF upon the following parties pursuant to Rule 5 of the Federal Rules of Civil Procedure:

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/s/ Jesenia A. Martinez

Jesenia A. Martinez